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In re Application of	:	PETITION
SEEGER, Werner et al.	:	
Application No.: 10/583,785	:	DECISION
PCT No.: PCT/EP2003/014542	:	
Int. Filing Date: 18 December 2003	:	UNDER
For: NOVEL CHIMERIC PLASMINOGEN	:	
ACTIVATORS AND THEIR	:	37 CFR 1.137(b)
PHARMACEUTICAL USE	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R.1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 31 July 2009.

### BACKGROUND

On 18 December 2003, applicant submitted international application No. PCT/EP2003/014542. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 19 June 2006.

On 19 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the specification, claims and the basic national fee.

On 22 May 2007, the DO/EO/US mailed "Notification To Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure" (Form PCT/DO/EO/922) requesting a corrected computer readable form of the sequence listing and a statement that the contents of the sequence listing on the computer readable form is identical to the written sequence listing.

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On 16 July 2007, applicant filed a response with a substitute sequence listing.

On 04 December 2007, the DO/EO/US mailed "Notification of Defective Response" (Form PCT/DO/EO/916) indicating the substitute sequence listing is defective.

On 07 January 2008, applicant responded to the Notification with another substitute sequence listing.

On 17 June 2009, "Notification of Abandonment" was mailed to the applicant indicating the sequence listing did not comply with the requirement.

On 31 July 2009, applicant filed the present petition under 37 CFR 1.137(b) to revive the application.

### DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply. The sequence listing has been entered.

Regarding item (2), the \$810 petition fee has been paid.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

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This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 14 March 2007.



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